

AMENDED IN SENATE JUNE 11, 2009

AMENDED IN SENATE JUNE 8, 2009

AMENDED IN ASSEMBLY APRIL 21, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 918

Introduced by Assembly Member Adams
(Coauthors: Assembly Members Carter, Davis, and Jones)

February 26, 2009

An act to add Chapter 2 (commencing with Section 150) to Division 1 of the Welfare and Institutions Code, relating to charitable donations.

LEGISLATIVE COUNSEL'S DIGEST

AB 918, as amended, Adams. Salvageable personal property: collection boxes.

Existing law makes it unlawful for any association of persons to engage, directly or indirectly, in the soliciting of donations or in selling salvageable personal property obtained by soliciting, except qualified charitable organizations, as described, that meet specified requirements.

Existing law authorizes counties and cities to impose additional requirements for the privilege of soliciting and selling salvageable personal property within their jurisdictions.

This bill would impose requirements for the placement of statements specifying prescribed information on collection boxes, as defined. The bill would *also* require the owner of a collection box to obtain written consent from the owner or lessee of the property, *or their authorized agent*, for placement of the collection boxes, and to provide this consent

upon request. The bill specifies that its provisions shall not be deemed to supersede the authority of the Department of Justice or to limit a local jurisdiction from regulating, monitoring, or prohibiting collection boxes.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 2 (commencing with Section 150) is added to Division 1 of the Welfare and Institutions Code, to read:

CHAPTER 2. UNATTENDED COLLECTION BOXES

150. For purposes of this chapter, the following definitions shall apply:

(a) "Collection box" means an unattended cannister, box, receptacle, or similar device, used for soliciting and collecting donations of salvageable personal property.

(b) "Commercial fundraiser" shall have the same meaning as in subdivision (a) of Section 12599 of the Government Code.

(c) "Nonprofit organization" means an organization that is exempt from taxation pursuant to Section 501(c)(3) or 501(c)(4) of the United States Internal Revenue Code.

(d) "Salvageable personal property" has the same meaning as in subdivision (b) of Section 148.

151. (a) The front of every collection box shall conspicuously display both of the following:

(1) The name, address, telephone number, and, if available, the Internet Web address of the owner and operator of the collection box.

(2) A statement, in at least two-inch typeface, that the collection box is owned and operated by either a for-profit or a nonprofit organization. For purposes of this chapter, a commercial fundraiser shall be classified as a for-profit organization.

(b) If the collection box is owned by a nonprofit organization, the front of the collection box shall also conspicuously display a statement describing the charitable cause that will benefit from the donations.

1 152. The owner of a collection box shall obtain written consent
2 from the owner or lessee of the property where the collection box
3 is located, ~~certifying or the owner or lessee's authorized agent,~~
4 *stating* that the owner of the collection box has received permission
5 to place the box on the property. *In the event that the property*
6 *owner or lessee, or the owner or lessee's authorized agent, chooses*
7 *not to provide written consent, the property owner or lessee, or*
8 *the owner or lessee's authorized agent, may give verbal consent*
9 *as long as documentation of that consent includes appropriate*
10 *contact information.* Upon request of the local jurisdiction or an
11 interested person, this written *or verbal* consent shall be made
12 available by the owner of the ~~donation~~ collection box.

13 153. Nothing in this chapter shall be construed to do either of
14 the following:

15 (a) Supersede or in any way limit existing authority of the
16 Department of Justice over fundraising for charitable purposes.

17 (b) Affect the authority of a city, county, or city and county to
18 regulate, monitor, or prohibit collection boxes.